

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

\* \* \*

CRAIG ALAN VANNESS

Case No. 3:25-cv-00073-MMD-CLB

Plaintiff,

ORDER

v.

WELLPATH MONROE COUNTY  
DETENTION CENTER, *et al.*,

Defendants.

On February 10, 2025, this Court ordered Plaintiff Craig Vanness to file a signed complaint and either pay the full \$405.00 filing fee for this action or file a complete application to proceed *in forma pauperis* by March 12, 2025. (ECF No. 3.) The Court warned Vanness that the action could be dismissed if he failed to timely comply. (*Id.* at 4.) That deadline expired without any compliance or other response by Vanness.

**I. DISCUSSION**

District courts have the inherent power to control their dockets and “[i]n the exercise of that power, they may impose sanctions including, where appropriate . . . dismissal” of a case. *Thompson v. Hous. Auth. of City of Los Angeles*, 782 F.2d 829, 831 (9th Cir. 1986). A court may dismiss an action based on a party’s failure to obey a court order or comply with local rules. See *Carey v. King*, 856 F.2d 1439, 1440-41 (9th Cir. 1988) (affirming dismissal for failure to comply with local rule requiring *pro se* plaintiffs to keep court apprised of address); *Malone v. U.S. Postal Service*, 833 F.2d 128, 130 (9th Cir. 1987) (dismissing for failure to comply with court order). In determining whether to dismiss an action on one of these grounds, the Court must consider: (1) the public’s interest in expeditious resolution of litigation; (2) the Court’s need to manage its docket; (3) the risk of prejudice to the defendants; (4) the public policy

1 favoring disposition of cases on their merits; and (5) the availability of less drastic  
2 alternatives. See *In re Phenylpropanolamine Prod. Liab. Litig.*, 460 F.3d 1217, 1226 (9th  
3 Cir. 2006) (quoting *Malone*, 833 F.2d at 130).

4 The first two factors, the public's interest in expeditiously resolving this litigation  
5 and the Court's interest in managing its docket, weigh in favor of dismissal of Vanness's  
6 claims. The third factor, risk of prejudice to defendants, also weighs in favor of dismissal  
7 because a presumption of injury arises from the occurrence of unreasonable delay in filing  
8 a pleading ordered by the court or prosecuting an action. See *Anderson v. Air West*, 542  
9 F.2d 522, 524 (9th Cir. 1976). The fourth factor—the public policy favoring disposition of  
10 cases on their merits—is greatly outweighed by the factors favoring dismissal.

11 The fifth factor requires the Court to consider whether less drastic alternatives can  
12 be used to correct the party's failure that brought about the Court's need to consider  
13 dismissal. See *Yourish v. Cal. Amplifier*, 191 F.3d 983, 992 (9th Cir. 1999) (explaining  
14 that considering less drastic alternatives *before* the party has disobeyed a court order  
15 does not satisfy this factor); accord *Pagtalunan v. Galaza*, 291 F.3d 639, 643 & n.4 (9th  
16 Cir. 2002) (explaining that “the persuasive force of” earlier Ninth Circuit cases that  
17 “implicitly accepted pursuit of less drastic alternatives prior to disobedience of the court's  
18 order as satisfying this element[,]” i.e., like the “initial granting of leave to amend coupled  
19 with the warning of dismissal for failure to comply[,]” have been “eroded” by *Yourish*).  
20 Courts “need not exhaust every sanction short of dismissal before finally dismissing a  
21 case, but must explore possible and meaningful alternatives.” *Henderson v. Duncan*, 779  
22 F.2d 1421, 1424 (9th Cir. 1986). Because this action cannot realistically proceed until and  
23 unless Vanness files a signed complaint and addresses the matter of the filing fee, the  
24 only alternative is to enter a second order setting another deadline. But the reality of  
25 repeating an ignored order is that it often only delays the inevitable and squanders the  
26 Court's finite resources. The circumstances here do not indicate that this case will be an  
27 exception. Setting another deadline is not a meaningful alternative given these  
28 circumstances. So the fifth factor favors dismissal.

## II. CONCLUSION

Having thoroughly considered these dismissal factors, the Court finds that they weigh in favor of dismissal. It is therefore ordered that this action is dismissed without prejudice based on Craig Vanness's failure to file a signed complaint and address the matter of the filing fee in compliance with this Court's February 10, 2025, order. The Clerk of Court is directed to enter judgment accordingly and close this case. No other documents may be filed in this now-closed case. If Vanness wishes to pursue his claims, he must file a complaint in a new case and address the matter of the filing fee.

DATED THIS 31<sup>st</sup> Day of March 2025.



MIRANDA M. DU  
UNITED STATES DISTRICT JUDGE